IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 33611 of 2006(B)

PETITIONERS:

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1. VARIJAKSHAN NAIR, KOORIATTIL HOUSE,
   ARIYOOR HOUSE, ARIYOOR P.O.,
   MANNARKKAD COLLEGE VIA., PALAKKAD DISTRICT.

2. SUBRAMANIAN, S/O.KARUNAKARAN,
   ARIYOOR HOUSE, ARIYOOR P.O.,
   MANNARKKAD COLLEGE VIA., PALAKKAD DISTRICT.

3. MEENAKSHI @ MALU, D/O.KUNHIMALU AMMA,
   ARIYOOR HOUSE, ARIYOOR P.O.,
   MANNARKKAD COLLEGE VIA., PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

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1. THE TAHSILDAR,
   MANNARKKAD TALUK, PALAKKAD DISTRICT.

2. THE VILLAGE OFFICER,
   KOTTAPPADAM NO.II VILLAGE, MANNARKKAD,
   PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.33611/2006

PETITIONERS' EXHIBITS:

EXT.P1 COPY OF THE REGISTERED DOCUMENT EXECUTED IN FAVOUR OF THE 1ST PETITIONER AND OTHERS.

EXT.P2 COPY OF THE REGISTERED DOCUMENT EXECUTED IN FAVOUR OF THE 2ND PETITIONER.

EXT.P3 COPY OF THE REGISTERED DOCUMENT EXECUTED IN FAVOUR OF THE 3RD PETITIONER.

EXT.P4 COPY OF THE ORDER IN CMP.53592/99 IN OP.NO.31490/99 DTD 16.6.04 OF THIS COURT.

EXT.P5 COPY OF THE BASIC TAX RECEIPT DTD 3.8.96 IN RESPECT OF THE PROPERTY OF THE 1ST PETITIONER ISSUED FROM THE AYIROOR VILLAGE OFFICE.

EXT.P6 COPY OF THE BASIC TAX TAX RECEIPT DTD 14.7.95 IN RESPECT OF THE PROPERTY OF THE 2ND PETITIONER ISSUED FROM THE AYIROOR VILLAGE OFFICE.

EXT.P7 COPY OF THE BASIC TAX RECEIPT DTD 29.1.96 IN RESPECT OF THE PROPERTY OF THE 1ST PETITIONER ISSUED FROM THE AYIROOR VILLAGE OFFICE.

EXT.P8 COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER ON 25.9.06 BEFORE THE 1ST RESPONDENT.

EXT.P9 COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER ON 25.9.06 BEFORE THE R1.

EXT.P10 COPY OF THE REPRESENTATIION SUBMITTED BY THE 3RD PETITIONER BEFORE THE R1.

EXT.P11 COPY OF THE JUDGMENT IN OP.31490/99 DTD 14.6.07 OF THIS COURT.

/TRUE COPY/

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ANTONY DOMINIC, J.

W.P.(C)NO.33611 OF 2006-B

Dated this the 12th day of September, 2007.

JUDGMENT

The prayer in this writ petition is to direct respondents 1 and 2 to accept Basic Tax in respect of properties held by the petitioners having an extent of 6.91 acres comprised in Sy.Nos. Field Nos.84/6A, 1A,1A,1A, 2 and 6A, 1A,1A & 1AB in Ayiroor desom, Kottappadam -II village, Mannarkkad taluk. A counter affidavit has been filed and from paragraph 4 of the affidavit, it is evident that such refusal of the respondents was pursuant to the order in C.R.P.No.2195/1992 and that following the said order, the 2nd respondent had taken possession of an extent of 1.45 acres of land out of the properties held by the petitioners, in pursuance of the provisions contained in the Land Reforms Act.

2. It is now pointed out that after the order of the C.R.P referred to above, the petitioners had filed O.P.No.31490/1999 before this Court praying for a declaration that resumption of land was invalid by virtue of the provisions contained in Act 26 of 1999. This Court had disposed of that original petition by judgment dated 14.6.2007

(Ext.P11) directing that possession of the petitioners in respect of 1.45 acres of land shall not be disturbed. In view of Ext.P11 judgment, the objection now raised in the counter affidavit has no basis.

Accordingly, this writ petition is disposed of directing respondents 1 and 2 to accept basic tax in respect of properties held by the petitioners having an extent of 6.91 acres comprised in Sy.Nos.Field Nos.84/6A, 1A,1A, 2 and 6A,1A,1A & 6A,1A,1A & 1AB in Ayiroor Desom, Kottappadam – II Village, Mannarkkad Taluk.

ANTONY DOMINIC, JUDGE.

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